G. R. S. IX-5]

Previous references.
Cts 323-16 (1-3, 8-16)
" 187-18 (1)
" 321-12 (1-8)

1919.

(Cts)

Later references.

File No. 129-19

Serial Nos. 172

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two

Part B for January 1920.

SUBJECT.

Question of appointing Deputy Commissioners as Guardians ad-litem of their minor wards in a suit

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Ref No. Ke Dy Cr Bangalore
No C 1335 Dy. 1.20.

States that if he had already been appointed Guardian of the property of the minor in the case of his decease he has liberty to withdraw — the Guardianship

W D 1250—GPB—30,000 - 28-1-19

G. R. S. III—1] 1919. 1

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 129 19

FILE HEADING.

Question of appointing Dy Commissioners as guardians ad litem of their minor wards in a suit.

From

The District Magistrate, Bangalore District.

No. C.C. 2265/19-20 + Dated min 63/7-18 1/2 Dec. 1919 Received on 4-12-19

Diary No. 880	Enclos. Nil Spare Copies. Nil	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that Mr. Bowring Dy Commissioner for Nanjunda, ~~minor son of Nanjunda~~ accepted to be guardian ad litem in G.S. no. of 15-16 before the Dt. Judge of Bangalore, ~~for the ward~~ and that Mr. C.B. Seshagiri Rao was engaged for in his behalf and that it is not advisible to have a person as guardian ad litem who does not possess any professional knowledge and who is

NOTES AND ORDERS.

interested in the suit as representing one of the parties, and requests ~~Government~~ instructions ~~opinion~~ in the matter of relieving the Dy Commissioner from such guardianship.

Flag B A copy of the Code of Civil Procedure is put up for reference. ~~Briefs are available for within the time allowed~~, it may be

NOTES—First Sheet.

8801

G. R S. III-2]

General and Revenue Secretariat.

Ch File No. 117 of 1919.

Serial No.

Flag A

Flag B

Flag C

Ch 323 of 16 & 187 of 18 dealing with the guardianship of the property of minor Subbaraya of Kowligowdgi and ch 321 of 12 dealing with the management of the property of late Rao Bahadur Gulbi Thimmappa under the supervision of the Dy Commr., Bangalore dist Ex. officio legal guardian are put up as for instructions of the superintendent.

Flag S.

A copy of the Guardians & Wards Regulation is also put up.

Submitted for orders.

5/12/19

Previous cases similar to the question now raised, could not be traced. Orders have to be issued in the matter before the 11th instant.

5/12

Under Order XXXII R. 4, (3) of the code of civil Procedure nobody can be appointed guardian ad litem without his consent. It is open to the D.C. to make his representation to the Court with a view to be released from the guardianship.

If appd, the D.C. will be informed accordingly.

5/12

II Member If this Dy Commr has

2753
6.12.19

NOTE—Contn. sheet.

G. R S. III-2]

General and Revenue Secretariat.

Ch File No. 129 of 1919.

Serial No.	
	been appointed guardian of the property of his minor ward, then it is his duty to represent his minor [redacted] in the suit. If he is not to appear he can withdraw. In fact he need not [illegible] has been appointed guardian in his personal capacity.
	7/12.
	Draft please see above
	D. 8/12
D 8/12	
9/12	Submitted with a draft as per orders above.
	9/12/19
	D. 9/12
2	To the Deputy Commissioner, Bangalore.
	No. G. 13359 dt 9th December 1919.
	Calls for certain information re: the acceptance of guardianship for Minor Ranjee
2	To the Deputy Commissioner, Bangalore
	No. G. 13359 dt 9th January 1920.
	States that if he had already been appointed guardian of the property of the minor Ranjee he has to represent the minor in the case if otherwise he has liberty to withdraw guardianship.

NOTE—Contn. sheet.

4-FEB 1920

8801.

14507

Office of the Deputy Commissioner,
Bangalore District.

No. OC 2265/19-20 & Misc 63/17-18. Dated BANGALORE, 1st December 1919.

From

G. Aravamudu Iyengar, Esquire, B.A., B.L.,
Deputy Commissioner, Bangalore District.

To

C. S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
BANGALORE.

Sir,

In Original Suit No.1 of 1915-16 before the District Judge of Bangalore, Plaintiff Venkataramanappa, minor by guardian Narasamma, vs. Nanjunda, minor son of Muni Reddy, my predecessor Mr. Bowring has been pleased to state that he has no objection to be appointed as guardian ad litem of the minor if the Court thinks it necessary. Apparently in pursuance of this consent the Deputy Commissioner seems to have been appointed as guardian and I understand that the case has been posted to the 11th December to decide the issue as to whether the Deputy Commissioner should be the guardian of the person and property of the minor Nanjunda.

2. The case seems to have been handed over for professional help to the late Mr. C. B. Seshagiri Rao and

5

it has to be decided whether further professional appearance on behalf of the Deputy Commissioner is necessary in the case.

3. I may be permitted to point out that a guardian ad litem is usually one who has some intimate knowledge of the subject matter of the suit and in the last resort the Court may appoint one of its own officers and it seems to be somewhat unusual to appoint the District Deputy Commissioner as such guardian who has no official knowledge of the facts of the case and who has no control over the person or property of the minor, vide Section 4 Order XXXII of the Civil Procedure Code. Further in the present case which is one of partition, it seems to be inexpedient to appoint the Deputy Commissioner who may have conceivably duties with respect to actual division of property as guardian of one of the interested parties. If this view is acceptable to Government I shall communicate to the District Judge requesting to release the Deputy Commissioner from the guardianship and appoint some other person in stead.

An early reply is requested.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner,
Bangalore District.

6

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....8801.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* *191* .

Date of issue.....9/12.....

Signed by.....

Section C5

File No. 129 19

Serial No. 2

No. G13359

To

The Deputy Commissioner,

Bangalore District.

Sir,

With reference to your letter no O.C. 2265/19-20 & misc 63/17-18 & 1/2 no Dec 1919 re: the question of appointing the Dy Commissioner Bangalore as guardian ad litem and Offence no 1 of 1915-16 representing the defendant on behalf of one Nanjunda, minor son of Muni Reddy, I am directed to state that in case you are already appointed guardian of the person & property of the minor under the Guardians & Wards'

P. T. over.

person and property of

defendant in O.S. no 1 of 1915-16 on the file of the Dt Judge, Bangalore,

You will have
Regulation, ~~from~~ it is open to you to represent
the minor in the Suit, and that, if not
~~so~~ otherwise, you are at perfect liberty to
withdraw from the guardianship.

I am also to add that the Dy Com-
missioner should not be appointed guardian
ad litem in his official capacity.

I have &c.

Per Chief Secretary

9/12/19
A.R.
9/12.

List of enclosures.

Copied by

Examined by

WD86—GPB—60,000—15-11-16